

#100037

(200070)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: DIET DRUGS
(PHENTERMINE, FENFLURAMINE,
DEXFENFLURAMINE) PRODUCTS
LIABILITY LITIGATION**

FILED MDL DOCKET NO. 1203

APR 21 1998

**THIS DOCUMENT RELATES TO ALL
ACTIONS**

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

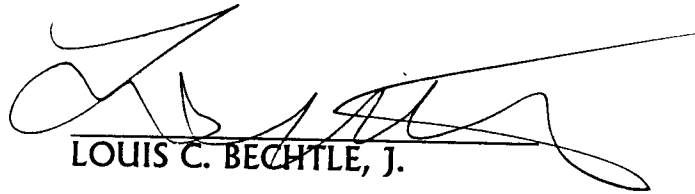
PRETRIAL ORDER NO. 38

AND NOW, TO WIT, this 21st day of April, 1998, IT IS ORDERED that to
facilitate discovery in this Multi-District Litigation:

1. The Plaintiffs' Management Committee ("PMC") shall establish a Discovery Committee to be co-chaired by PMC members Arnold Levin and Roger Brosnahan.
2. The other members of the Discovery Committee shall consist of John Cummings, Stanley Chesley, Elizabeth Cabraser, Dianne Nast, Will Kemp, Michael Hausfeld, Darryl Tschirn, John Restaino, Michael Williams, Michael Slack, Michelle Parfitt, Alex MacDonald, John Hornbeck, and Andrew Hutton.
3. The Discovery Committee shall have the authority and responsibility to conduct general liability discovery by propounding written discovery to defendants; establishing a document depository; reviewing, organizing and computerizing (as appropriate) documents and written discovery materials produced by defendants; briefing and arguing any motions pertaining to general liability discovery of

defendants; scheduling and conducting general liability depositions of defendants and third parties; and coordinating general liability discovery with plaintiffs' attorneys involved in related state court proceedings.

4. The Discovery Committee may recommend that plaintiffs' attorneys other than members of that Committee to perform discovery on behalf of the PMC. All work done by or on behalf of the Discovery Committee shall first be assigned by its Co-Chairs subject to the approval and written authorization of the Co-Chairs of the PMC.
5. Membership on the MDL Discovery Committee shall not preclude or in anyway restrict the right or ability of any plaintiffs' attorney from conducting discovery or otherwise prosecuting diet pill litigation in any state court proceedings.



LOUIS C. BECHTLE, J.